REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-3, 5-7, 9-18, as shown above, remain pending in the application. Claim 19 has been added, support for which is found in the specification at page 5, line 29 to page 6, line 15.

Claims 1-3, 5-7, and 9-18 stand rejected under 35 U.S.C§103(a) over Okada et al. (U.S. 5,809,454, hereafter "Okada") in view of Itakura et al (U.S. 5,902,149, hereafter "Itakura"). Applicants respectfully traverse this round of rejection.

It is respectfully submitted that base claims 1 and 9 have been amended to clarify the claimed invention so as to recite the representing of a reception rate of an arrival delay of packets from a packet switched network carrying the multimedia signal, and determining a difference value between the packet delay and a reference value, and adjusting the presenting speed in dependence on the difference value, so that the presenting speed correlates to the reception rate.

Applicants respectfully submit that the combination of Okada and Itakura fails to disclose or suggest any of the Applicant's claims because, while Okada is admittedly silent in this regard, Itakura discloses a problem with network jitter using ATM. The solution of Itakura is to label packets with the instantaneous data rate (the sending rate) next to the timestamp already they already bear. The

arrival of a first packet's bits are compared with the timestamp value the packet carries. The difference is averaged via a low pass filter and the value is used to adapt the receiver's system clock to the sender. Thus, the transmission data is decoded at the receiver end on the basis of the system clock.

In contrast, the presently claimed invention does not attempt to synchronize the receiver clock with the sending clock, and thus does not use the sending rate, but rather, a reception rate to determine a difference value to adjust the presenting speed. In other words, in the presently claimed invention, the presenting speed (i.e. presentation speed) varies around a difference value of the reception rate of the packets by the receiver, whereas the combination of references discloses (at best) an attempt to synchronize a reproduction speed to that of the transmitter (sender).

Applicants respectfully submit that for at least the above reasons, none of the instant claims would have been obvious to a person of ordinary skill in the art over the combination of Okada in view of Itakura, as the combination fails to provide any disclosure, suggestion, or motivation that would have made any of the instant claims obvious to an artisan at the time of invention.

Furthermore, with regard to obviousness rejections under 35 U.S.C. §103(a), the Court of Appeals for the Federal Circuit has held that:

> Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Although couched in terms of combining teachings found in the

> prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In re Fritch, 973, F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992). Here, the Final Office Action has not set forth a *prima facie* case of obviousness as the suggested desirability is of the adjusting of the presenting speed, as recited by Applicant's instant claims, is lacking in the combined teachings of the references.

In addition, all claims dependent on base claims 1 and 9 are believed to be allowable at least for their dependency on one of claims 1 and 9, as well as having an independent basis for patentability.

In view of the foregoing remarks, applicants respectfully request entry of this amendment, favorable reconsideration and passage to issue of the present application.

Respectfully submitted,

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